

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA,

Plaintiff,

vs

Cause No. 05-CR-1849-JH

GREG HILL,

Defendant.

UNOPPOSED MOTION TO CONTINUE SENTENCING

Defendant Greg Hill, by and through his attorney Billy R. Blackburn, and with the concurrence of Assistant United States Attorney James Braun and respectfully requests this Court to vacate and continue the sentencing hearing currently scheduled for April 7, 2011. As grounds in support thereof, Defendant states as follows:

1. On or about August 23, 2005, the Defendant Greg Hill was indicted and charged with conspiracy to distribute 1000 kilograms and more of marijuana, conspiracy to launder money and criminal forfeiture.

2. On or about August 25, 2005, the Defendant appeared for initial appearance before V. Sue Shields, U.S. Magistrate Judge for the Southern District of Indiana, who released Defendant pending trial. On September 1, 2005, the Defendant traveled to New Mexico and was arraigned before U.S. Magistrate Judge Richard Puglisi. Judge Puglisi adopted the conditions set by Judge V. Sue Shields. Defendant has remained out of custody without incident since his arrest in August 2005.

3. On August 13, 2010, Defendant entered a plea of guilty before U.S.

Magistrate Judge Alan C. Torgerson in this matter. Judge Torgerson continued Hill's conditions of release pending sentencing. All other co-defendants had previously entered guilty pleas in this matter.

4. Defendant traveled from his home in Bloomington, Indiana to Albuquerque, New Mexico for a presentence report interview with Probation Officer Tina Parde on September 9, 2010. The interview was lengthy and due to the complex nature of this matter, which involves thirty co-defendants, and the need to gather more documentation and information, an initial presentence report was not disclosed until January 13, 2011.

5. The initial presentence report is approximately 50 pages in length and is extremely detailed. Moreover, Defendant is working diligently to gather all necessary financial documentation for inclusion in the presentence report. Defendant is an independent business owner that operates both a pub and music venue and a separate holistic healing business. As a result, preparation of financial documentation by Defendant is much more detailed and difficult than typically involved in other presentence reports. Counsel anticipates this documentation to be completed within the month of April.

6. Furthermore, due to the unusual complexity and length of the presentence report in this matter, counsel submits that additional time is necessary within which to fully review its contents and prepare initial objections thereto. Counsel anticipates a detailed and lengthy informal objection process due to the complexity of the sentencing issues which need to be addressed. However, undergoing this process serves judicial

economy and will provide valuable assistance to the Court at sentencing.

7. In addition to the above-mentioned issues, given the complicated nature of this case, Defendant requires additional time within which to fully prepare for sentencing and provide the Court with all information relevant to the sentencing factors set forth in 18 U.S.C. §3553(a). Unlike many of the defendants involved in the instant case, Defendant's plea agreement is open-ended and does not include an agreed-upon sentence. Thus, it is particularly important for counsel to ensure that all sentencing factors are properly addressed. Furthermore, counsel believes that this Defendant will have significant and substantial mitigation to present, making preparation for sentencing in this matter more extensive than in other cases.

8. Based upon the above, preparations for sentencing, including finalizing a presentence report and preparing sentencing pleadings will take significantly longer in this case than in others. However, the parties are working in good faith towards sentencing.

9. Based upon all of the above, Defendant requests that the sentencing scheduled for April 7, 2011, be continued and it be scheduled in a manner that provides ample time within which to complete the complex and lengthy preparations necessary in this unique case. Defendant is thus requesting a continuance until July 2011.

10. Assistant U.S. Attorney James Braun has been contacted concerning this motion and has no objection to the relief requested herein.

WHEREFORE, for the above stated reasons, the Defendant Greg Hill respectfully requests this Court to vacate and continue the sentencing hearing currently

scheduled for April 7, 2010.

Respectfully submitted,

Electronically filed 3/29/11

BILLY R. BLACKBURN
Attorney for Defendant
1011 Lomas Blvd. NW
Albuquerque, NM 87102
(505) 242-1600

I hereby certify that a true and accurate copy of the foregoing was emailed by CM/ECF to AUSA James Braun this 29th day of March, 2011.

Electronically filed 3/29/11

Billy R. Blackburn